

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

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|----------------------------------|---|-------------------|
| IN RE: |) | |
| |) | |
| AMENDMENTS TO THE LOCAL RULES OF |) | Misc. No. 2003-06 |
| CIVIL PROCEDURE |) | |
| _____ |) | |

ORDER

It is hereby

ORDERED that the amendments to Local Rules of Civil Procedure ("Local Rules") 12.1 and 56.1 proposed in this Court's March 28, 2007, Notice shall become effective on April 13, 2007. Some of the suggestions and comments received during the public hearing held on April 12, 2007, pursuant to 28 U.S.C. § 2071(b), are incorporated in the new rules. The new rules are attached to this Order; it is further

ORDERED that the new Local Rule 5.4, which was proposed in this Court's March 28, 2007, Notice, shall not become effective on April 13, 2007. Local Rule 5.4 shall become effective on June 1, 2007.

Dated: April 12, 2007

_____/s/
CURTIS V. GÓMEZ
Chief Judge

ATTEST:

WILFREDO F. MORALES
Clerk of the Court

By:_____/s/
Deputy Clerk

Copies:

Hon. Raymond L. Finch
Hon. Geoffrey W. Barnard
Hon. George W. Cannon
Wilfredo F. Morales, Clerk of the Court
Carol C. Jackson
Cicely Francis
Theresa Thomas
Monica Ruhle
Olga Schneider
STT Law Clerks
STX Law Clerks
Members of the V.I. Bar

**Fed. R. Civ. P. 12. Defenses and Objections -
When and How Presented - By Pleading or Motion -
Motion for Judgment on Pleadings.**

Rule 12.1. Dispositive Motions Pursuant to Rule 12.

The following procedures govern dispositive motions filed pursuant to Civil Rule 12.

(a) DOCUMENTS FILED BY MOVANT.

(1) Motion. Each motion shall be accompanied by a brief.

(2) Reply. Any reply from the movant shall be filed within ten (10) days of the filing of an opposition from an adverse party.

(b) DOCUMENTS TO BE FILED BY RESPONDENT.

Opposition. Any party adverse to a motion submitted under this rule may respond by filing an opposition brief within twenty (20) days of the filing of the motion.

(c) EXTENSIONS OF TIME.

When a party requests an extension of time from the other party, the parties shall first make a good faith effort to negotiate a reasonable extension. The party seeking an extension shall file a notice of such agreement. Only if the parties cannot so agree may an application be made to the Court for an extension of time to serve the opposition or reply.

(d) PAGE LIMIT

No brief shall exceed twenty (20) pages without leave of Court. If granted, the same leave shall automatically extend to any responding brief.

Fed. R. Civ. P. 56. Summary Judgment.

Rule 56.1. Summary Judgment Motions.

The following procedures govern motions and cross-motions for summary judgment filed pursuant to Civil Rule 56.

(a) DOCUMENTS FILED BY MOVANT.

(1) Motion. Each summary judgment motion shall be accompanied by a brief, affidavits and/or other supporting documents, including a separate statement of the material facts about which the movant contends there is no genuine issue. Each fact paragraph shall be serially numbered and shall be supported by specific citation to the record. The movant shall affix to the statement copies of the precise portions of the record relied upon as evidence of each material fact.

(2) Reply. Any reply to the respondent's opposition shall be filed within ten (10) days of the filing of the opposition. If a respondent's opposition has asserted additional facts as provided in section (b), the moving party shall respond to these additional facts by serving a reply as specified in section (b).

(b) DOCUMENTS TO BE FILED BY RESPONDENT.

Any party adverse to a motion submitted under this rule may file an opposition, brief, affidavits and other supporting documents within twenty (20) days of the filing of the motion. In a separate document, the respondent must address the facts upon which the movant has relied pursuant to section (a) (1) above, using the corresponding serial numbering and either (i) agreeing that the fact is undisputed; (ii) agreeing that the fact is undisputed for the purpose of ruling on the motion for summary judgment only; or (iii) demonstrating that the fact is disputed. Any such separate document may also contain a concise statement of any additional facts that the respondent contends are material and as to which the respondent contends there exists a genuine issue to be tried. Each fact paragraph shall be serially numbered. In addition, the respondent shall affix to the opposition copies of, and cite to, the precise portions of the record relied upon as evidence of each material fact.

(c) EXTENSIONS OF TIME.

When a party requests an extension of time from the other party, the parties shall first make a good faith effort to negotiate a reasonable extension. The party seeking an extension shall file a notice of such agreement. Only if the parties cannot so agree may an application be made to the Court for an extension of time to serve the opposition or reply.

(d) EFFECT OF FAILURE TO RESPOND

Failure to respond to a movant's statement of material facts, or a respondent's statement of additional facts, within the time periods provided by these Rules may result in a finding that the asserted facts are not disputed for the purposes of summary judgment.

(e) PAGE LIMIT

No brief shall exceed twenty (20) pages without leave of Court. If granted, the same leave shall automatically extend to any responding brief.